

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
N/E corner of Buckingham Road and		
Liberty Road	*	OFFICE OF ADMINISTRATIVE
(3601 Buckingham Road)		
2 nd Election District	*	HEARINGS FOR
4 th Council District		
	*	BALTIMORE COUNTY
Wayne T. and Debra A. Fleming		
Petitioners	*	CASE NO. 2013-0019-A

* * * * *

ORDER AND OPINION

This matter comes before the Administrative Law Judge as a Petition for Administrative Variance filed by the legal owners of the property, Wayne T. and Debra A. Fleming. The Petitioners are requesting Variance relief pursuant to Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (proposed pool) to be located in the side yard (street side) outside of the rear 1/3 of lot most farthest removed from both streets. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no other comments received from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on August 9, 2012, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare

of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 30th day of August, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Section 400.1 of the B.C.Z.R., to permit an accessory structure (proposed pool) to be located in the side yard (street side) outside of the rear 1/3 of lot most farthest removed from both streets, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for their appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

Signed _____
LAWRENCE M. STAHL
Managing Administrative Law Judge for
Baltimore County

LMS:dlw